



## Texas Department of Health

William R. Archer III, M.D.  
Commissioner

1100 West 49th Street  
Austin, Texas 78756-3189  
(512) 458-7111

Patti J. Patterson, M.D., M.P.H.  
Executive Deputy Commissioner

Radiation Control  
(512) 834-6688

April 8, 1999

UNITED STATES NUCLEAR REGULATORY COMMISSION  
ATTN PAUL H LOHAUS DIRECTOR  
OFFICE OF STATE PROGRAMS  
MAIL STOP O3H20  
WASHINGTON D C 20555

99 APR 15 PM 2:37  
OSP

Dear Mr. Lohaus:

Please find attached the additional information requested by your office, in a letter dated February 23, 1999, regarding our request for concurrence on removal of the 2,793 acre area outside of the 150 acre Panna Maria Tailings Impoundment Restricted Area from Radioactive Material License No. L02402.

To support their request for termination the licensee submitted two volumes of cleanup and survey data to the Texas Department of Health (Agency). Agency personnel determined, after review of the documentation, that the licensee had sufficiently decontaminated the site to warrant a concurrence survey to be performed by Agency personnel.

The licensee currently has an Alternate Concentration Limit request being reviewed by Agency personnel, however the release of the area outside of the impoundment should not affect groundwater or any further groundwater remediation that might be required.

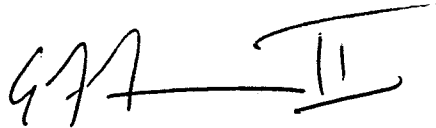
Agency personnel have determined, after review, the release for unrestricted use and removal of the area outside of the 150 acre Panna Maria Tailings Impoundment from license L02402 will not negatively impact the impoundment, which will be turned over to the State of Texas or the Department of Energy at a later date.

Paul H. Lohaus  
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As maintaining this site places an undue economic burden and hardship on the licensee we request expeditious processing of this request.

If you have any questions, please call me at (512) 834-6688 extension 2208.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Forrer". The signature is stylized with a long horizontal line extending from the end of the name.

Eugene (Gene) Forrer  
Chief, Uranium Licensing Project  
Division of Licensing,  
Registration, and Standards  
Bureau of Radiation Control

Enclosure



April 7, 1999

Mr. Gene Forrer  
Division of Licensing, Registration and Standards  
Bureau of Radiation Control  
Texas Department of Health  
1100 West 49th Street  
Austin, TX 78756-3189

RECEIVED  
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BUREAU OF  
RADIATION CONTROL

Re: PANNA MARIA FACILITY, RML NO. LO2402

Dear Mr Forrer:

Rio Grande Resources (RGR) is requesting an unrestricted release for the Panna Maria licensed area exclusive of the permanently restricted tailings pond fenced area outlined in previous submittals. In order to address a concern related to the impact of this release on pending groundwater issues RGR offers the following comments.

All of the currently existing POC monitor wells and potential recovery wells will remain in the licensed permanently restricted area if this release is approved. The majority of the land to be released is north and updip of the tailings pond. In fact, this revision of the licensed area will add additional buffer acreage east, west and south (downdip) of the tailings pond.

Also, RGR has recently acquired additional acreage downdip of the tailings pond to allow for the most economic and effective means of addressing groundwater issues. Although, the recently acquired acreage is not included in the current licensed area, that does not preclude RGR from maintaining control of the land until all groundwater issues are resolved. In fact, RGR intends to maintain control of this buffer acreage until all groundwater issues are resolved. Currently, RGR has an ACL application under review at your agency that will determine how groundwater issues will be resolved. RGR has positioned itself with regard to property rights to implement whatever is determined to be required.

Therefore, RGR concludes that this revision of the licensed area will not have any significant effect on remaining groundwater issues.

Thank you for your consideration in this matter. If you have any questions or comments, please feel free to contact me by phone at 830-780-3911 ext.238 or by e-mail at RGR5KLR@AOL.COM.

Sincerely,

Kevin L. Raabe, RSO, REM  
Rio Grande Resources Corporation  
Operations Manager

